

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:19-CR-13-FL-3

UNITED STATES OF AMERICA,

v.

DERRICK JERMAINE HARVEY,


Defendant.

)
)
)
)
)
)
)

ORDER

This matter is before the court on defendant's motion regarding unfair sentence (DE 260), which the court previously construed in part as an attempt to file motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (DE 252). On November 4, 2022, the court directed defendant to file his motion to vacate on the court's prescribed form and warned defendant that the motion would be dismissed without prejudice if he failed to comply with the order. (See DE 259 at 1). As of the date hereof, defendant has not filed his motion to vacate on the prescribed form. Accordingly, the motion (DE 260) is DISMISSED without prejudice. A certificate of appealability is DENIED. The clerk is DIRECTED to close the companion civil action.

SO ORDERED, this the 28th day of December, 2022.



LOUISE W. FLANAGAN
United States District Judge